

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESale PRICE	)	
LITIGATION	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	Hon. Patti Saris
	)	
<i>United States of America ex rel. Ven-a-Care of</i>	)	
<i>the Florida Keys, Inc., v. Abbott Laboratories,</i>	)	
<i>Inc.,</i>	)	
CIVIL ACTION NO. 06-11337-PBS	)	

**UNITED STATES' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS  
TO ITS OBJECTIONS TO AUGUST 13, 2007  
ORDER BY MAGISTRATE JUDGE BOWLER**

The United States of America respectfully moves this Court for leave to file two exhibits to its Objections to the August 13, 2007 Order by Magistrate Judge Bowler.

Exhibits 2 and 3 to the United States' filing are documents the United States has withheld from production pursuant to the deliberative process privilege. Filing these documents under seal is necessary to avoid waiving the privilege. These documents are among those that would have to be disclosed pursuant to the August 13, 2007 Order, the effect of which is presently stayed pending a resolution of the United States' Objections to the Order. The United States submits that an *in camera* review of these documents will assist the Court in its evaluation of the merits of the United States' Objections.

For the foregoing reasons, the United States respectfully requests leave to file these two exhibits to the United States' Objections to the August 13, 2007 Order by Magistrate Judge Bowler under seal. A proposed order is attached.

Respectfully submitted,

For the United States of America,

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Dated: September 10, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused an electronic copy of the above UNITED STATES' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS TO ITS OBJECTIONS TO AUGUST 13, 2007 ORDER BY MAGISTRATE JUDGE BOWLER to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: September 10, 2007

/s/ John K. Neal  
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